Policy briefing paper

Title:	Traditional Leadership and Developmental Coalitions: Lessons from Durban, South Africa[1]
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Introduction

South Africa was not atypical in having to accommodate indigenous institutions in its new political dispensation when the country made its transition from minority rule to a non-racial democracy in 1994. In many parts of the world, and especially post-colonial states, customary forms of governance remain salient, being deeply rooted in local institutions. Indigenous institutions are not immutable and have connected with and been engaged by colonial powers and western states in a range of ways and to varying effect.[2] Yet it is increasingly recognised that institutional multiplicity and competing claims to social and political legitimacy need to be taken seriously within a hybrid political system.

State-making and peace-building in post-Apartheid South Africa was made possible by the creation of an administrative machinery that could contain customary authority structures within a broader polity, political structures and processes that channelled the ambitions and grievances of traditional leaders, and a system of local government that drew on the presence and experience of chieftaincies to bring development to hard-to- reach areas. This was a contested process that is by no means over and with mixed results. Yet pockets of success have emerged out of the transitional period, especially in the city of Durban, giving rise to progressive developmental coalitions promoting economic growth, inclusive governance and social development.[3]

The key ingredient for success was the determination and commitment to development of influential political leaders with local links into *ubukhosi,* the institution of chieftaincy, as well as strong connections to the ruling African National Congress (ANC) both locally and nationally. From this core they were able to forge broader coalitions that included traditional leaders, elected councillors, businessmen, social activists and the church. In some instances they were successful in breaking down political boundaries and antagonisms in the interest of inclusive strategies. How did these leaders emerge? What did they do differently from those who remained confined within narrower and more inward

looking coalitions of interest? What is needed to scale-out these local success stories into broad-based development strategies and what are the threats to their sustainability? This study of the incorporation of indigenous institutions into the newly democratised eThekwini Metropolitan Municipality (the Metro) in Durban, South Africa offers some answers.

Democratising Durban

The transition from Apartheid to a liberal democracy in South Africa was protracted, difficult and characterised by violence. This was particularly the case in the Province of KwaZulu-Natal (KZN), fforged out of the former Province of Natal and the so-called 'independent homeland' of KwaZulu. Here the conflict between supporters of the ANC and the ethnically mobilized Inkatha Freedom Party (IFP) assumed the proportions of a civil war, leading to the loss of thousands of lives. Calm was facilitated by a number of political compromises by national government, including according a cabinet post to the former Chief Minister of the KwaZulu Legislative Assembly and leader of the IFP, Chief Mangosuthu Gatsha Buthelezi and ensuring a senior position for Jacob Zuma, one of the few Zulu members of the predominantly Xhosa ANC leadership.

At the 1994 elections the IFP won KZN, helped considerably by the *amakhosi,* or chiefs, and their supporters. The spoils comprised a somewhat emasculated and poorly resourced system of provincial governance but the ANC was nevertheless determined to win the province in future elections. Its strategy relied in part on eThekwini Metro, with its strong ANC majority, demonstrating the advantages of adherence to the ANC. Key leaders in the city set about turning a tight and effective political coalition into a broader and more inclusive developmental coalition that encouraged popular participation through Ward Committees, courted sectors of business, sought civil society partnerships, attracted development funding from national government and international development agencies, and embraced leaders of the 16 traditional authority areas that were incorporated into Greater Durban following the demarcation of new municipal boundaries ahead of the 2000 local elections.

Several aspects of the coalition are noteworthy. A critical factor was the *leadership role* of a regent prince, *Inkosi* (chief) Zibuse Mlaba, who as well as being a traditional leader was brother to the mayor of Durban and an ANC supporter. In his own chieftaincy, KwaXimba, he ensured his *izinduna* (headmen) worked with elected councilors, engaged cooperatively with business and civil society organizations working within and adjacent to the area and encouraged neighbouring *amakhosi* to follow his example. He was able to reach out to other traditional leaders, including those who supported the IFP, and while not winning all over to the ANC, he did coax many into a developmental coalition that saw them engaging in local governance structures, supporting city initiated developing initiatives and identifying with the city as much as the province.

Inkosi Zibuse Mlaba could not have followed this course of action without being part of a tight *political coalition* formed by small group of committed leaders who trusted one another because of a shared or related political history in Durban and KZN. The coalition had in turn the support of national party and government structures, while at the same time retaining a high degree of autonomy, allowing them to respond appropriately to local imperatives. In accommodating the *amakhosi,* the coalition importantly had recourse to a

Constitution that trumped all other legislation. This limited the concessions they could legitimately make and that the *amakhosi* could claim.

Moreover, leaders at the local level could rely on the newly established structures representing traditional authorities. These include the National House of Traditional Leaders, a Provincial House of Traditional Leaders in provinces such as KZN where chieftaincy is significant and the Congress of Traditional Leaders of South Africa (Contralesa), which is an umbrella organization supportive of but arm's length from the ANC. All demands and grievances on the part of the *amakhosi* can be channeled through these bodies. Examples include negotiations over remuneration and extending their powers and functions. This clears the space for a focus on development issues at the local level.

Coalitions without development

Inclusive coalitions can be distinguished from those that remain inward looking or clientelist of which there are still many. For example, an IFP *inkosi* in a traditional authority area to the Southwest of the city has persisted in his resistance to cooperating with the ANC led Metro and to participating in development projects initiated by the city. Instead he enters into bilateral agreements with developers, contractors and the Black Economic Empowerment (BEE) components of engineering companies, issuing Permission to Occupy (PTO) certificates for access to communal land often to multiple stakeholders in respect of the same piece of land.[4] *Amakhosi* such as this are often advantaged by such relationships but also ensure that their people benefit from any jobs generated by activities they sanction. However, on both sides benefit is usually ephemeral. Hence, while these relationships are not necessarily corrupt, neither are they developmental.

Macambini on the coast North of Durban and outside eThekwini Metro boundaries presents another potential instance of clientalism getting in the way of development. Here the KZN Provincial Premier signed a deal with a Dubai based developer to construct an enormous tourist centre with hotels, attractions and shopping malls that would absorb 16,500 of the 19,000 hectares constituting Macambini. He did this with the consent of the Zulu King, Goodwill Zwelethini who is the sole trustee of the Ingonyama Trust that controls all communal land in KZN. *Inkosi* Khayelihle Mathaba fought back, entering into an alternative deal with another Dubai based developer that alienates less land, does not require the forcible removal of people and provides social and economic development opportunities alongside commercial benefits.[5] The issue is not yet resolved and whatever project goes ahead it would have to be approved and incorporated into the development plans of the two municipalities into which Macambini falls. This case presents an interesting example of institutional multiplicity in a hybrid political system and how this can be used both for and against development.

The foundations on which local developmental coalitions are built

Successful coalition leaders are open to new ideas, innovative practices and different partners. This approach serves to broadens their exposure and the density of the networks of which they are a part, which in turn makes them open to change and more likely to adapt. Successful leaders also put developmental goals above inter-personal rivalries and political competition. *Inkosi* Bhekisisa Bhengu, a near neighbour but political opponent of *Inkosi* Zibuse Mlaba was astonished when Mlaba offered to visit him in his tribal court, despite

his close association with the IFP and that he did not seem to be bothered by these concerns: 'We had the meeting and realised that while we came from different political spectrums, there was a lot we agreed on.'[6] This led to the establishment of a not-for-profit company called *Isengwakazi,* with financial support from eThekwini Metro and leadership training and capacity development from a local NGO.[7]

Critical junctures provided the triggers for the development of a more inclusive developmental coalition. Important here was the *political violence* that accompanied the transition and the ensuing fragile peace. All parties, both ANC and IFP and especially the *amakhosi,* feared a return to this painful episode in the province's history, opening the space for local dialogue and cooperation. Speaking as Provincial Chair of the Congress of Traditional Leaders of South Africa (Contralesa), *Inkosi* Zibuse Mlaba said in 2000: "Contralesa is certain that the people of KwaZulu-Natal will never allow themselves to be plunged into violence again'. Conversely but relatedly, the stark divisions between IFP supporting and ANC supporting elites at provincial level provided the impetus for more constructive and collaborative coalitions being formed at the national and local (especially city) levels in KZN.

Successive elections also served as critical junctures that facilitated the incorporation of traditional leaders into developmental coalitions. Through the national structures representing their interests on each occasion they were able to negotiate concessions and advances. Their efforts prompted changes in the nature, activities and responsibilities of the organizational architecture for accommodating indigenous institutions and helped clarify the ambiguity around the roles and functions of traditional authorities that accompanied the transition. This combined with a growing commitment to state making and national unity rendered them more amenable to participating as equals, rather than as first among equals, in developmental local government.

Policy and operational lessons

1.   Understanding the nature of institutional change is a necessary starting point
The national government as well as those working with traditional authorities in Greater Durban showed a remarkable alertness to the possibility of indigenous institutions adapting and changing, as well as a keen awareness of how this had already happened at various times in the past. By the same token experience elsewhere in Africa, for example Mozambique, offered the lesson that indigenous institutions are often resistant to change and hence it would be injudicious to ride roughshod over customary structures and practices and the interests of traditional leaders.

This recognition, along with differences within the ANC on the stature of traditional authorities, initially gave rise to a lack of clarity on their roles and functions but also allowed for an iterative process of negotiation and legislative change. The lesson for policy makers here is that bringing together western forms of governance with customary structures, an *accommodation of institutional multiplicity in a hybrid political system is a necessary first step* towards political and social harmony and a developmental state.

2. Tactics and trade-offs are inevitable

There is no doubt that the accommodation made in the interests of indigenous institutions and customary authority has involved compromises, not least in relation to the principles of liberal democracy on which the post-Apartheid state was founded and upheld by the Constitution of 1996. Traditional authority structures remain overwhelmingly patriarchal, violating Constitutional commitments to gender equality. Leadership is hereditary rather than elected and customary law still discriminates against women. Reforms to local traditional councils require that a proportion of councillors are elected seats and that there is a quota for women but much remains at the discretion of the *inkosi* and so change is at best incremental. The policy lesson here is that *all good things do not go together* and that trade-offs and compromises are sometimes necessary, at least in the medium-term.

3. Local government is a important arena for development

There is nothing intrinsic about the local sphere that makes it more susceptible to democratisation than any other sphere.[8] Yet local government does constitutes a useful vehicle for gaining political experience, forging political alliances and forming developmental coalitions that straddle the public-private divide. In parts of Durban it also provided a context for bringing social and political indigenous institutions into the mix but such outcomes are not automatic. In parts of the metropolitan area political competition and animosity persist, while in much of rural KZN local government has failed as a site of coalition building or development. This implies that *we should question the presumed efficacy of decentralisation policies.* They can be effective and facilitative but are not automatically so and do not always lead to the anticipated results. Decentralisation did give rise to inclusive developmental coalitions but only because the city was part of a relatively *effective system of intergovernmental coordination.*

4. Building developmental coalitions requires resources

eThekwini Metro has a relatively strong resource base derived from its own revenue raising capacity, central government transfers and discretionary grant funding from international development organisations. By contrast, provincial governments in South Africa are poorly resourced and have limited revenue-raising capacity. So, not surprisingly perhaps, broad-based developmental coalitions have been more difficult to forge in KZN through the provincial than the metropolitan government level. The availability of resources to eThekwini has provided the incentive for greater cooperation among leaders and coordination of different institutional terrains. Greater Durban is resource rich not only in material terms but also with regard to human resources. Smaller municipalities do not have the same degree of person power and traditional leaders are not always as skilled as the leaders of the Mlaba clan, which has consistently put great store by education. *It is much harder to build coalitions where resources are more limited.*

5. Brokers are an important part of the institutional landscape

Key brokers in the Greater Durban story include not only the Mlaba clan who have probably played the most critical role in brokering the meetings, negotiations and deals through which a developmental coalition could emerge but also key officials in eThekwini Metro from the City Manager, Mike Sutcliffe, through to Victor Mkhize, an employee of an NGO with a long history in the traditional authority areas who was deployed the Valley Trust to work in the city's *Amakhosi* Support Office providing capacity building and leadership training. *The range of brokers needs to be greater when developmental coalitions have to embrace multiple institutions in a hybrid political system.* It is necessary to have people who can operate in and across different levels of government, spheres of governance and the state-society divide. If this is absent then it is likely that local experiments will be short-lived and of limited impact.

6. *How development projects are designed and executed matters*

How development is implemented matters if building effective and sustainable coalitions is part of the overall goal. For example, an area-based development approach has been used to extend development to the peri-urban parts of the city that embrace traditional authority areas. Supported by the city with assistance from the European Union (EU), *visible outputs such as infrastructure* were important for winning over recalcitrant chieftaincies. Support from the EU financed the very necessary but less visible dimensions of project design, planning and development, allowing the city to take credit for the *demonstration effect*, while elected councillors and *amakhosi* jointly cut the ribbons.

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[1] The term 'traditional' is used because it is in common usage in South Africa to describe customary leaders and indigenous institutions. It is not meant to imply that leaders are unyielding or institutions fixed.

[2] Jo Beall, Sibongiseni Mkhize and Shaheed Vawda 'Emergent Democracy and "Resurgent" Tradition: Institutions, Chieftaincy and Transitions in KwaZulu-Natal', *Journal of Southern African Studies,* 31(4), December, 2005, pp. 755-771.

[3] Jo Beall 'Cultural Weapons: Traditions, Inventions and the Transition to Democratic Governance in Metropolitan Durban', *Urban Studies,* 43(2) February 2006, pp. 457-473.

[4] Interview with Richard Dobson, Academic at University of KwaZulu-Natal and formerly Manager of Area-based Management for eThekwini Metro and consultant.

[5] 'It is against the law to remove people from their land', *Isolezwe,* 24th October 2008.

[6] Interview with *Inkosi* Bhekisisa Bhengu, Chairperson of the eThekwini House of Traditional Leaders and *inkosi* of the KwaNgcolosi chieftaincy.

[7] *Insengwakazi* is an iziZulu word for a cow with lots of milk. The local NGO is the Valley Trust.

[8] Patrick Heller, 'Moving the State: The Politics of Decentralization in Kerala, South Africa and Porto Alegre', *Politics and Society,* 29(1) 2001, pp. 131-163; Judith Tendler , *Good Government in the Tropics,* Baltimore and London: John Hopkins University Press, 1997.

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